

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

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Ex parte TERESA M. ZANDER, KRISTI JO BRYANT, DEBRA A. HAASE,  
SHEILA M. HEYRMAN, KIM HOERTSCH, ADRIENNE R. LOYD,  
WILLIAM G. REEVES, GARRY R. WOLTMAN  
and THEODORE T. TOWER

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Application 10/749,871

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on January 28, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

The Supplemental Examiner's Answer mailed October 17, 2007, is not in compliance with the requirement of Manual of Patent Examining

Procedure, (MPEP) § 1207.05. The signature by a Technology Center (TC) Director or their Designee is required in accordance with MPEP § 1207.05

Also, a review of the Reply Brief received in the office on December 17, 2007, in response to the Supplemental Examiner's Answer mailed October 17, 2007, indicates their as not proper acknowledgement. However, in accordance with the revision effective September 13, 2004, 37 CFR § 41.43 states:

(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner for:

- 1) vacate the Supplemental Examiner's Answer mailed October 17, 2007, and issue a revised Supplemental Examiner's Answer having the missing signature for a Supplemental Examiner's Answer by the Technology Center (TC) Director or Designee;
- 2) for consideration of the Reply Brief filed on December 17, 2007; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

Patrick J. Nolan

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